REMARKS

Claims 1-3, 5, and 7-23 are in the case. Support for the amendment to Claim 1 and the amendment to Claim 8 is found at Page 3, paragraph 0010 of the Specification. Claim 5 was amended to remove redundancy with amended Claim 1. Support for new Claim 22 is found in the Specification at Page 3, paragraph 0010. New Claim 23 is also supported in the Specification at Page 3, paragraph 0010. No fees are believed to be due because the total number of claims in the case has not increased.

Objection

The objection to Claim 15 has been rendered moot by the amendment of Claim 15 to remove the word "further." This amendment was made in order to facilitate prosecution of this case, and does not change the scope of Claim 15 in any way.

Rejection under 35 U.S.C. 102(b)

Turning now to the rejection of Claims 1-7 under § 102(b) as being anticipated by Hoechst (GB 1531799), these claims as amended are not anticipated by Hoechst. Hoechst is limited to the extraction of antimony compounds from halogenated organic solvents with aqueous hydrochloric acid. Hoechst does not teach, either expressly or inherently, that the antimony compounds, once in aqueous hydrochloric acid, are recovered from the aqueous hydrochloric acid, much less that the antimony compounds are recovered into an organic solvent.

The novelty of Claims 8-21 is noted with sincere appreciation.

Rejections under 35 U.S.C. 103(a)

The obviousness rejection of Claims 8-14 over Hoechst is inapplicable. The number of treatments with hydrochloric acid is not the only difference between the present invention and Hoechst. Hoechst does not teach or suggest that there is any need for recovering the antimony compounds from the aqueous hydrochloric acid into which they have been extracted. In contrast, Claims 8-14 require that at least some of the antimony compound(s) are recovered from the acidic aqueous phase into an organic solvent. Further, in the bromination of polystyrene, it is normally required that the catalyst be used under anhydrous or nearly anhydrous conditions, so it would not be obvious to one of ordinary skill in the art to use an aqueous extraction technique.

Claims 15-21 are not obvious over Hoechst in view of Barda et al. (U.S. 4,352,909). The Examiner is correct that Barda et al. does not teach the removal of the antimony trichloride residue into an aqueous medium. Barda et al. also does not teach or suggest the recovery of the antimony catalyst from such aqueous medium. Hoechst does not teach recovery of the antimony catalyst from the aqueous medium either, and thus the combination cannot cure the defects of Barda et al. Because Barda et al. never mentions that it would in any way be desirable to extract the catalyst from the reaction medium, there is no motivation or suggestion to combine these references. Such suggestion or motivation is required. In addition, the Examiner is required to point to something in the reference(s) that provides the motivation or suggestion to combine these references. The Federal Circuit has stated in *In re Fritch* that

> "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780, 1783-84 (Fed. Cir. 1992) (quoting *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125 (Fed. Cir. 1984)).

Since no motivation or suggestion exists, and none has been pointed to by the Examiner, this rejection is improper and should be withdrawn.

Furthermore, Hoechst and Barda et al. are from nonanalogous art areas. Barda et al. is concerned with a process for bromination of polystyrenes, while Hoechst is directed to the recovery of antimony compounds from processes for making fluorinated chlorohydrocarbons from chlorohydrocarbons. References from nonanalogous art areas are impermissible in an obviousness rejection. Thus, the rejection of Claims 15-21 over Hoechst in view of Barda et al. is improper for this reason as well and should be withdrawn.

In light of the foregoing remarks, the case is believed to be in condition for immediate allowance. Prompt notification to this effect would be sincerely appreciated.

If any matters remain that require further consideration, the Examiner is requested to telephone the undersigned at the number given below so that such matters may be discussed, and if possible, promptly resolved.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that in accordance with standard business practice, this paper (along with any referred to as being attached or enclosed) is to be deposited on the date shown below with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

April 22, 2005
Date